

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO EASTERN
DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,)	CASE NO: 5:19-CR-670
v.)	Judge Dan Aaron Polster
BRIAN NEWELL, JR.,)	<u>OPINION AND ORDER</u>
Defendant.)	
)	

MEMORANDUM

Before the Court is Defendant Brian Newell, Jr.’s Motion for Pretrial Release. Doc #: 17.

For the following reasons, Newell’s Motion, **Doc #: 17**, is **DENIED**.

BACKGROUND

On November 7, 2019, Newell was indicted on one charge of transmitting a threatening interstate communication in violation of 18 U.S.C. § 875(c). Doc #: 1. He waived a detention hearing during his arraignment. Non-document order issued 17/13/2019. On March 16, 2020, Newell pleaded guilty to transmitting a threatening interstate communication. Non-document order dated 3/16/2020. The Court ordered at Newell remain detained pending sentencing. Non-document order dated 3/16/2020.

ANALYSIS

Newell now requests that he be released. Doc #: 17 at 1. As relevant here, a court must detain a person pending sentencing unless the court finds “clear and convincing evidence that the

person is not likely to flee or pose a danger to the safety of any other person or the community if released . . ." on bond or conditions. 18 U.S.C. § 3143(a)(1). The defendant bears the burden of establishing that they will not flee or pose a danger to any other person or the community. Fed. R. Crim. P. 46(c).

Public Access to Hearings-Review Proposal

IT IS SO ORDERED.

/s/ Dan Aaron Polster April 14, 2020

**Dan Aaron Polster
United States District Judge**